IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1209 OF 2002

Union of India ...Appellant.

v/s

1. Firoz Hassanali
Rupali & Anr. ...Respondents.

None for the appellant.

Mr. D.P. Adsule, APP for the State.

Ms. S.D. Khot appointed Advocate with Mr. K.M. Sangani, Advocate for respondent No.1.

CORAM: V.M.KANADE,J.
DATE: 30th November, 2004

ORAL JUDGMENT:

1. Heard Ms. Khot, the learned counsel appointed as an amicus curiae who has taken me through the judgment and order passed by the Trial Court. Union of India has filed this appeal challenging the order passed by the Special Court in N.D.P.S. Special Case No.77 of 2001. By the said judgment and order, Special Judge acquitted the accused and dismissed the complaint for want of prosecution by observing that the Department did not keep the witness ready for examination.

2. In my view, sufficient case is made out by the Union of India for restoration of the Special Case.

The judgment and order passed by the Special Judge is set aside. Matter is remanded for trial. Trial Court to decide the Special Case as expeditiously as possible within a period of two years. Appeal is allowed in the above terms.

V.M. KANADE, J.